far and at times very fast. Before it is shot, it has to be identified and located and after destruction its tusks had to be handed over to the nearest Police Station or Forest Range Office. All these entailed huge expenditure. Far from advocating a monetary reward or presenting the case from a commercial standpoint, the member suggested the desirability of making the reward adequate if the alternative of permitting the person who shot the animal to retain its tusks could not be considered. He pointed out in this connection that the Government had offered in 1911 a reward of Rs. 200 for the capture of a wild elephant, which is much less risky than shooting a proscribed rogue elephant.

DEWAN'S REPLY: Mr. Wright, I am glad that you have said that you are not looking at this question from a mercenary point of view. I can assure you that, when Government offered a reward of Rs. 50, that was not in any way meant for you or for any members of your Association. Government trusted that a European planter who could destroy a rogue elephant would be prepared to do it more for the sport that it affords than for any material profit. In Travancore especially, it is not easy to have elephant shooting, because you cannot shoot an elephant without special permission. In these circumstances, Government think that it will be considered a kind of privilege to be allowed to shoot an elephant. They never had the idea that an offer of Rs. 50 would tempt you or any member of your Association to take up the pursuit of a rogue elephant, if otherwise and on considerations of sport you were not prepared to do it. This offer was to induce some officers of the Forest Department—the Rangers and the Deputy Rangers who might be *shikaris*— to go out shooting; and to such men an offer of Rs. 50 is a valuable one. At the same time, as you said, Government are aware that these rogue elephants are sometimes very dangerous and kill human beings; and your suggestion regarding the reconsideration of the amount offered as reward, will be taken up by Government; but I do not think that Government can reconsider their decision that a person who shoots a rogue elephant should not consider himself entitled to the tusks.

16. Hardships caused to under-trial prisioners and suggestions for remedying the same by the introduction of sub-jail system prevalent in British India.

MR. L. ADIVARAHA AIYAR (*Shencotta taluk*) said that the subject had been pressed at two previous sessions of the Assembly but nothing favourable was done. Hence the need for its repetition. The following were the chief hardships the under-trial prisoners were subject to:—

(i) When any person is arrested by the Police for any cognisable offence, he is remanded to custody under the orders of a Magistrate, without hearing him or giving him an opportunity to engage a vakil. Instances were not also wanting where the prisoners were not allowed to talk to their vakils or even sign *vakkalats* although the law allowed it.

(ii) Applications for bail were generally discountenanced by the Police and the Magistrates.

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(iii) Under-trial prisoners were asked to do menial labour, such as watering gardens in the Police Stations, etc.

(iv) The accuseds under Police custody were subjected to force for extorting confession or money and bringing them to disgrace. No evidence could be adduced to bring the offenders to book.

(v) False complaints against innocent persons by their enemies were not uncommon. On account of the ill-treatment of the Police, the accused in such cases prefer not to contest them.

(vi) No distinction was made between the under-trial and convicted prisoners. The former were not allowed to shave or have meals in time. The batta of 7 chs. was hardly sufficient even for one meal.

Strictly speaking, the Police were taking the law into their hands with impunity and their actions were often not taken notice of, even if the violence to which the under-trial prisoners were subjected to resulted in loss of life.

The remedy for these evils lay in the introduction of the sub-jail system prevalent in British India. The Prisons Regulation was practically a dead letter. Steps should be taken to give proper effect to the Regulation. Sub-jails should be established and placed under the control of the trial Magistrates who should be made responsible for the the personal safety of the prisoners. The Police should be entrusted only with the duty of guarding the prisoners and taking them to and from courts. The District Magistrate should be authorised to nominate 3 or more non-official gentlemen to visit the sub-jails and note their remarks in a diary kept for the purpose. As an experimental measure, a sub-jail might be opened at Shencotta using for the purpose one of the rooms of the Police lock-up and posting the warder attached to the First Class Magistrate's court in charge of it. At the last session when the same subject was pressed, the member was told that the question was under the consideration of the Police Commissioner. Instead of entrusting the work to a single officer and that to the Police Commissioner who would be inclined to look to the interests of the Police only, it would be desirable to constitute a jail committee to enquire into the existing condition of mofussil jails and draft rules under the Prisons Regulation with a view to introduce sub-jail system throughout the State.

DEWAN'S REPLY :—Mr. Adivaraha Aiyar, the complaint that you have now made has been made in previous years, and as a result, provision has been made in the budgets both of last year and of this year for ameliorating the condition of under-trial prisoners. But it has so happened that the amount set apart for that purpose has not been fully utilised during the previous year and not adequately utilised till now in the present year. One reason for this might be that there is no definite scale of diet fixed for under-trial prisoners. But Government are taking immediate steps to have that defect remedied, and I trust that before long the condition of under-trial prisoners will be very much better.

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With regard to the remedy that you suggest, *viz.*, the opening of sub-jails, as was stated in this Assembly last year, the matter has been under the consideration of the Commissioner of Police. He has now sent up a recommendation, and Government hope to deal with it ere long.

I must strongly deprecate one statement in your representation about the Police, and that is that the Commissioner of Police, when such a matter is referred to him, will only consider the interests of the Police. Well, the interests of the Police are really in no way different from the interests of the people, though there may be bad Police officers whose interests are not identical with the interests of the people. In the case of the Commissioner of Police, the result of the reference itself shows that your fears are quite groundless.

17. Appointment of an Honorary Magistrate at Mundakayam under the Rubber Thefts Prevention Regulation, IX of 1087.

MR. COGHLAN (*Mundakayam Planters' Association*) said that the question had already been considered by the Government. They had felt that the appointment of an Honorary Magistrate in the Mundakayam District with powers to issue warrants of arrest and search warrants against offenders under the Rubber Thefts Prevention Regulation would facilitate the work of the Police and operate as an additional safeguard for the prompt prevention of such offences. The Government therefore decided to appoint one in consultation with the Commissioner, Devicolam, and the Mundakayam Planters' Association and even names were suggested for purposes of selection. It would appear that subsequently it was found that there were other obstacles which had to be overcome before the appointment could be effected and the matter was under the consideration of the Law Officers. The member enquired what further progress had been made in the affair and when the final decision might be expected. He pointed out that, with a possible early recovery of the rubber market, the immediate appointment of an Honorary Magistrate would be beneficial to the interests of both the European and the Indian planters.

DEWAN'S REPLY :—Mr. Coghlan, I am glad that I am able to give you a definite reply. You want to know what progress has been made in the steps which Government said they were taking in regard to the appointment of an Honorary Magistrate at Mundakayam. It has now been found that there is no way of surmounting the obstacles by the appointment of an Honorary Magistrate. The Law Officers are of the opinion that such a person will not be able to take action under the Rubber Thefts Prevention Regulation. Government are therefore contemplating the appointment of a Bench of Magistrates, which Bench will be able to take action under that Regulation and do what you expect an Honorary Magistrate to do under the Regulation.

18. Exemption from stamp duty of applications for return of account books produced in courts by merchants and the need for obtaining acknowledgments of receipt on the copies.

MR. JACOB HUSSAIN SAIT (*Trading Classes, Kayankulam*) said that the account books produced by merchants in courts were not

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